

HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SIERRA CLUB, <i>et al.</i> ,)	
)	No. C11-1759BJR
Plaintiffs,)	
)	JOINT STATUS REPORT
and)	
)	
THE SPOKANE TRIBE OF INDIANS,)	
)	
Plaintiff-Intervenor,)	
)	
v.)	
)	
REGIONAL ADMINISTRATOR OF THE)	
ENVIRONMENTAL PROTECTION)	
AGENCY, CHRIS HLADIK ¹ , <i>et al.</i> ,)	
)	
Defendants,)	
)	
and)	
)	
SPOKANE COUNTY; KAISER)	
ALUMINUM WASHINGTON LLC; and)	
STATE OF WASHINGTON)	
DEPARTMENT OF ECOLOGY,)	
)	
Defendant-Intervenors.)	

¹ Substituted automatically pursuant to Fed. R. Civ. P. 25(d).

1 The Parties in this action -- Plaintiffs Sierra Club and Center for Environmental Law &
 2 Policy, Defendants Regional Administrator Chris Hladik and Administrator Scott Pruitt, in their
 3 official capacity, and the United States Environmental Protection Agency (collectively "EPA"),
 4 Intervenor-Plaintiff Spokane Tribe of Indians (the "Tribe"), and Intervenor-Defendants Spokane
 5 County, Kaiser Aluminum Washington LLC, and State of Washington, Department of Ecology
 6 ("Ecology") -- jointly submit this status report in accordance with the Court's January 17, 2017,
 7 Minute Order. Doc. No. 184. That order granted the unopposed motion filed by Plaintiffs and
 8 the Tribe to stay this case and directed the Parties to file a status report every 120 days. *Id.*

10 As previously explained, Ecology is undertaking the process to reissue National Pollutant
 11 Discharge Elimination System ("NPDES") permits for certain direct dischargers of, among other
 12 pollutants, total PCBs into the Spokane River. Doc. No. 183 ¶ 4. On November 28, 2016, EPA
 13 promulgated revisions to water quality criteria for toxic pollutants, including revisions to the
 14 water quality criteria for total PCBs, which are more stringent than the water quality criteria for
 15 total PCBs applicable to relevant portions of the Spokane River at the time that Ecology
 16 proposed to re-issue the NPDES permits. Ecology is continuing to consider how to address the
 17 revised water quality criteria in NPDES permits for Spokane River dischargers. In this regard,
 18 Ecology has completed a number of "listening sessions" with the permittees and other interested
 19 parties to assist Ecology in determining how to proceed with the permits. In light of this and
 20 other information received, Ecology is developing its proposed approach for reissuing permits
 21 for Spokane River dischargers.

25 At the same time, the Spokane River Regional Toxics Task Force finalized its
 26 *Comprehensive Plan to Reduce Polychlorinated Biphenyls (PCBs) in the Spokane River* on
 27 November 29, 2016. As previously reported, the Washington legislature has appropriated
 28

1 \$310,000 for the next biennium to support the work of the Task Force. This funding is directed
 2 towards implementing the Plan, which includes 38 current, new, and future control actions to
 3 identify PCB sources and reduce PCB loading to the Spokane River. These actions include:
 4 identification, evaluation, and cleanup of known PCB contamination (specifically impacting
 5 groundwater); implementation of stormwater controls and management activities; product testing
 6 and establishing procurement and purchasing standards for products and packaging containing
 7 PCBs; support of green chemistry research; public outreach and education; support of
 8 rulemaking to eliminate or reduce inadvertently generated PCBs; research on emerging end of
 9 pipe treatment technologies; building demolition and renovation best management practices; and
 10 other studies to address data gaps.
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 12

13 As explained in their prior motion, Plaintiffs and the Tribe may voluntarily dismiss this
 14 case based on the terms Ecology includes in the relevant final NPDES permits. Doc. No. 183 ¶
 15 5. Accordingly, the Parties continue to believe that proceedings in this case should remain
 16 stayed. Therefore no action is required of the Court at this time, and the Parties will file as
 17 appropriate a status report within the next 120 days in accordance with the Court's Minute Order.
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21 Respectfully submitted by:

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing filing was electronically filed with the Clerk of the Court on January 19, 2018, using the CM/ECF system, which will send notification of said filing to the attorneys in this case registered with the Court's CM/ECF system.

/S/ David Kaplan